

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

JOSEPH CURRIE,

Plaintiff

Vs.

Civil Action No. 2:22-CV-02674

**LORENZO T. WRIGHT AND
UNITED STATES OF AMERICA d/b/a
UNITED STATES POSTAL SERVICE,**

Defendants

COMPLAINT

COMES NOW, the Plaintiff Joseph Currie, by and through the undersigned counsel, hereby files this Complaint against the Defendants LORENZO T. WRIGHT AND UNITED STATES OF AMERICA, d/b/a UNITED STATES POSTAL SERVICE, and would show unto the Court the following:

JURISDICTION AND VENUE

1. The claims herein are brought against the United States pursuant to the Federal Tort Claims Act (28 U.S.C. § 2671, *et seq.*) and 28 U.S.C. §1346(b)(1), for money damages as compensation for personal injuries that were caused by the negligent and wrongful acts and omissions of an United States employee while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the Plaintiff in accordance with the laws of the State of Tennessee.

2. Venue is proper in this district pursuant to 28 U.S.C. § 1402(b) in that all, or a substantial part, of the acts and omissions forming the basis of these claims occurred in the Western District

of Tennessee, and arose from a motor vehicle accident which occurred in Shelby County, Tennessee on June 4, 2021.

3. Plaintiffs have fully complied with the provisions of 28 U.S.C. § 2675 of the Federal Tort Claims Act.

4. This suit has been timely filed, in that Plaintiff timely served his notice of claims on the United States Postal Service, on or about December 13, 2021, to which no final written determination was issued.

PARTIES

5. Plaintiff, Joseph Currie, is an adult resident of Memphis, Shelby County, Tennessee currently residing at 7855 Windy Willow Road, Memphis, Tennessee 38125.

6. Defendant, Lorenzo T. Wright, is an adult resident of Shelby County Tennessee and process can be served upon him at 4251 Carmen Square, Memphis, TN 38125.

7. Defendant, United States of America, is the United States Postal Service, a United States government agency. Process can be served upon its registered agent, Kevin G. Ritz, U.S. Attorney for the Western District of Tennessee located at 167 N. Main Street, Memphis, TN 38103.

FACTS

8. Plaintiff incorporates by reference all allegations contained elsewhere in this Complaint.

9. At all times pertinent hereto, including June 4, 2021, Lorenzo Wright was the operator of the United States Postal Service vehicle (VIN: 1GBCS10A2P2919023).

10. At all times pertinent hereto, including June 4, 2021, Plaintiff was the operator of the 2006 CADILLAC CST (VIN: 1G6DW677060198466) and, at all times, was operating said

vehicle in a safe, cautious, and prudent manner, obeying all of the rules and regulations of the roadway.

11. On June 4, 2021 Plaintiff was traveling Westbound on Windy Willow Road in Shelby County, Tennessee.

12. Plaintiff was travelling in the lane next to the far right lane.

13. Lorenzo Wright was traveling Westbound on Windy Willow Road in the far right lane.

14. Failing to keep a proper lookout, Lorenzo Wright crossed into the lane next to the far right lane.

15. Lorenzo Wright struck the right passenger side of Plaintiff's vehicle.

16. Plaintiff did not have an opportunity to avoid the collision, and as a direct and proximate result of Lorenzo Wright's actions, Plaintiff sustained physical injuries and property damage described below.

CAUSE OF ACTION
NEGLIGENCE ACTS AND/OR OMISSIONS

17. Plaintiff incorporates paragraphs 1 through 15 as if restated here verbatim.

18. Plaintiff did not have sufficient time or space to avoid the collision and, as a direct and proximate result of the negligent acts of Lorenzo Wright, sustained personal injuries and other damages.

19. Upon information and belief, Plaintiff alleges that on June 04, 2021, Lorenzo Wright was operating the above-referenced United States Postal Service vehicle, as the agent, servant and/or employee of the Defendant, United States of America. Thus, Plaintiff relies upon § 55-10-311 and § 55-10-312 of the Tennessee Code Annotated and the doctrines of respondeat superior and

agency, alleging that any negligence on the part of Lorenzo Wright should be imputed to the Defendant, United States of America.

20. Plaintiff charges and alleges that Lorenzo Wright is guilty of the following acts and/or omissions of common law negligence, which were a direct and proximate cause of Plaintiff's injuries and resulting damages to wit:

- (a) In negligently failing to use that degree of care and caution in the operation of his vehicle as was required of a reasonable and prudent person under the same or similar circumstances existing at the time and place of the aforementioned collision;
- (b) In negligently failing to maintain a safe lookout;
- (c) In negligently failing to devote full time and attention to the operation of his vehicle;
- (d) Failing to see what was there to be seen;
- (e) Failing to maintain control of said vehicle;
- (f) Impeding the normal and reasonable movement of traffic;
- (g) Driving in a careless manner;
- (h) Other acts and/or omissions to be shown at the trial of this cause.

21. At all relevant times, Lorenzo Wright owed a duty to the Plaintiff to operate his vehicle in a safe, reasonable, and lawful manner.

22. Lorenzo Wright breached this duty to operate his vehicle in a safe, reasonable, and lawful manner and as a result directly and proximately caused injuries and damages to the Plaintiff.

NEGLIGENCE PER SE

23. Plaintiff incorporates paragraphs 1 through 21 as if restated here verbatim.

24. In addition to the aforementioned act of common law negligence described above, Plaintiff asserts that Lorenzo Wright is guilty of violating the following statutes of Tennessee, which were in full force and effect at the time and place of the motor vehicle collision, which constitute negligence as a matter of law:

- a) Section 55-8-103. Required obedience to traffic laws;
- b) Section 55-8-136. Drivers to exercise due care; and
- c) Section 55-10-205. Reckless driving.

25. Plaintiff asserts that Lorenzo Wrights is guilty of violating the following ordinances of the City of Memphis, which were in full force and effect at the time and place of the motor vehicle collision, which constitute negligence as a matter of law:

- a) Memphis, Tennessee, Municipal Code § 11-16-2. Duty to devote full time and attention to operating vehicle;
- b) Memphis, Tennessee, Municipal Code § 11-16-3. Duty to drive at safe speed, maintain lookout, and keep vehicle under control; and
- c) Memphis, Tennessee, Municipal Code § 11-16-44. Reckless driving.

INJURIES AND DAMAGES

26. Plaintiff incorporates paragraphs 1 through 24 as if restated here verbatim.

27. As a direct and proximate result of Defendant's above-described breach of duty and violations of the common law, Plaintiff sustained injuries and damages, including but not limited to:

- a. serious and painful physical injuries;
- b. past, present, and future physical and emotional pain and suffering;
- c. past, present, and future mental anguish and emotional distress;
- d. past, present, and future reasonable and necessary medical expenses;
- e. certain other reasonable and necessary healthcare expenses, prescription expenses, certain transportation expenses to and from healthcare providers, and other out-of-pocket expenses, the nature and amount of which is yet to be determined;
- f. past, present, and future loss of quality and enjoyment of the normal pleasures of life;

- g. property damage;
- h. inconvenience;
- i. past, present, and future lost wages;
- j. loss of future earning capacity; and
- k. other damages to be proven at trial.

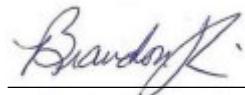
28. Under the Federal Tort Claims Act, Defendant United States of America is liable for the above described actions of its agent/employee, Lorenzo Wright, as he was acting in the scope of his employment and was in the transaction of business of Defendant United States of America when the injuries occurred.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully sues Defendant, for damages in an amount to be determined at trial, including property damage, medical expenses, and pain and suffering as a result of Defendant's actions.

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays for damages as they may appear on the trial of this cause, reserving the right to amend this pleading to conform to the facts as they may develop, for cost and interest, Pre-judgment and Post-judgment interest, and for all other general relief justified by the facts under the law or equity. Plaintiff respectfully prays for damages as they may appear on the trial of this cause, reserving the right to amend this pleading to conform to the facts as they may develop.

Respectfully submitted,



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